

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE SEVILLA,

Plaintiff,

-against-

ORDER

10-CV-1053 (JS)(AKT)

AMCO PLASTIC MATERIALS INC.,

Defendant.

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APPEARANCES:

For Plaintiff: Jose Sevilla, Pro Se
286 Sioux Avenue
Amityville, NY 11701

For Defendant: No Appearances.

SEYBERT, District Judge:

On March 8, 2010, pro se Plaintiff Jose Sevilla ("Plaintiff") commenced this action pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. § 2000e, et seq., against the Defendant, Amco Plastic Materials, Inc., ("Defendant") and filed an application to proceed in forma pauperis.¹ Upon review of the declaration accompanying Plaintiff's application, and for the reasons stated below, Plaintiff's request to proceed in forma pauperis is granted.

Plaintiff states in his declaration that he does not have any money. Although Plaintiff is currently employed earning \$1,000

¹ The Court notes that Plaintiff checked the box on the Court's form Complaint that his action lies pursuant to the Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 et seq. However, upon further review of his Complaint and the supporting documents annexed to the Complaint, it appears the basis for his claim is national origin discrimination pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. § 2000e, to 2000e-17, et seq.

a month, he reports that his monthly rent is \$600 and that he financially supports his wife.

To qualify for in forma pauperis status, the Supreme Court has long held that "an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependants with the necessities of life." Adkins v. E.I. Du Pont De Nemours & Co., Inc., 335 U.S. 331, 339, 69 S. Ct. 85, 93 L. Ed. 43 (1948) (internal quotation marks and citations omitted). Plaintiff's declaration meets this standard.

Accordingly, Plaintiff's motion to proceed in forma pauperis is granted. The United States Marshal Service is directed to serve the Complaint upon the Defendant without prepayment of the filing fee.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: April 30, 2010
Central Islip, New York